

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOHN T. DA PONTE, JR.
Plaintiff,

v.

PATRICIA COYNE-FAGUE, et al
Defendants.

)
)
)
)
) No. 1:22-cv-00222-MSM-PAS
)
)
)

ORDER

Mary S. McElroy, United States District Judge.

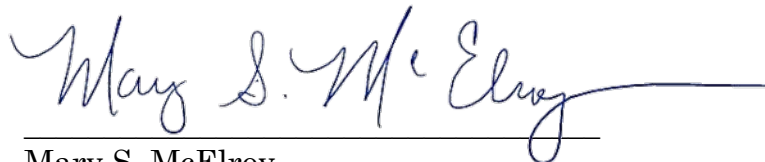
Mr. DaPonte has sued the Director and Medical Director of the R.I. Department of Corrections (“DOC”) alleging that they were deliberately indifferent to his need for Medication Assisted Treatment (“MAT”). The defendants moved to dismiss (ECF No. 29), alleging that the controversy has become moot by the plaintiff’s acceptance into a MAT program. Mr. DaPonte does not dispute that he was provided MAT services but alleges in his objection to dismissal that there were collateral consequences stemming from the delay which caused him to commit a number of prison infractions. He wants the Court to order those infractions removed from his disciplinary record.

Although Mr. DaPonte is entitled to leeway as a *pro se* litigant, the Court finds that even apart from the question of whether the defendants manifested

deliberate indifference to a serious medical need, he has failed to allege sufficient facts to permit a conclusion that the defendants were the proximate cause of those infractions. *Ramirez-Lliveras v. Pagan-Cruz*, 833 F. Supp.2d 165, 181-82 (D.P.R. 2011). In addition, the Complaint itself failed to allege that the record of the disciplinary actions was in any way tied to a constitutional violation: instead, Mr. DaPonte seeks to elevate the infractions into a constitutional violation that can support federal jurisdiction by tying them to the allegedly unconstitutional deprivation of medical treatment. However, even if there were sufficient causation to attribute the consequences of infractions to the defendants, the allegations of deliberate indifference are limited to the failure to provide a MAT program which has since been provided.

The defendants' Motion to Dismiss (ECF No. 29) is therefore GRANTED.

IT IS SO ORDERED:

A handwritten signature in blue ink, reading "Mary S. McElroy", with a long horizontal flourish extending to the right.

Mary S. McElroy,
United States District Judge

Date: September 29, 2022